

IN THE DRAWINGS:

Figure 3 has been amended to show the deflection axis 16, and elastic portion 12 and beads 9 on the deflecting rollers 4.

Figure 4 has been amended to show the selection lever 8, the kinematics 17, the transmission 18, the first direction 19, the transmitters/permanent magnets 13, and the signal receivers/Hall sensors 14.

Figure 5 has been amended to show the plane upon which the sectional view, in part of Figure 4 is taken. Figure 5 has also been amended to include the selector lever 8 and the kinematics 17.

Figure 6 has been amended to show the preferred embodiment of the second direction 20.

Figure 7 has also been amended to show the second direction 20 in the preferred embodiment, as well as the brackets 15 and the side rails 11.

REMARKS

The specification and drawings have been amended to address the formal objections.

Applicant thanks the Examiner for entering the Amendment of February 3, 2005, and Applicant has listed all the claims present in this application, in order to overcome the objection under 37 CFR § 1.121.

The drawings have been objected to under 37 CFR § 1.84 because the drawings should show the plane upon which a sectional view such as Figure 4 is taken.

In the drawing corrections submitted with this Amendment, Figure 5 shows the plane upon which the sectional view of Figure 4 is taken. A corresponding change to the specification has been made previously. This objection is now overcome.

The drawings have also been rejected under 35 CFR § 1.84 in paragraph 4(B) of the Office Action. This paragraph indicates that each part of the invention should be designated by a reference numeral or character. Applicant has reviewed 37 CFR § 1.84 and does not find this requirement. Therefore it is Applicant's position that the parts designated in paragraph 4(B) of the Office Action are not required under 37 CFR § 1.84 to be in the drawings. This rejection is therefore untenable.

The drawings have been objected to under 37 CFR § 1.83(a). In particular this objection requires that the kinematics, the elastic louver, the single transmitters and receivers, and the permanent magnets and hole sensors must be shown. Applicant notes that in the present drawing corrections, the kinematics are shown by reference 17, the elastic louver portion is shown by reference 12, the signal transmitters/permanent magnets are shown by

reference 13, the receivers/Hall sensors are shown by reference 14. The changes to the drawings therefore overcome this objection.

The disclosure has been objected to in paragraph 6 of the rejection because several parts of the invention should be designated by a reference numeral or character. In the present changes to the specification and drawings, the kinematics has been represented by reference 17, the two deflecting axes have been represented by reference 16, and the first and second directions are designated by reference numerals 19 and 20 respectively. This objection is therefore overcome by the changes to the specification and drawings.

Paragraph 7 of the Office Action indicates that the specification is objected to as failing to provide proper antecedent basis for the "a first direction" and "a second direction". The present changes to the specification and drawings provide antecedent basis in the specification for these directions.

Previously proposed drawing corrections have been disapproved because the showing of the elastic portion 12 introduces new matter. Applicant notes that the Board of Appeals has decided that the specification properly describes an elastic portion, especially to the effect that a person of ordinary skill in the art could make and use an elastic portion. The description in the specification therefore covers the full spectrum of possible sizes, shapes and locations of an elastic portion. The showing of the elastic portion in the present corrected drawings therefore is within the original disclosure of an elastic portion, especially as decided by the Board of Appeals. Similar objections have been made to other previous drawing corrections. Applicant again notes that the Board of Appeals has decided that the disclosure is fully

enabling with regard to these further items. Therefore the application describes the full spectrum of possible sizes, shapes and locations of these features. The addition of these features into the drawings, is therefore not new matter, but is within the original disclosure.

In disapproving the previous drawing corrections, the Office Action cites *In Re Smith*, 173 U.S.P.Q. 679. Applicant has reviewed this court decision and notes that this court decision does not indicate that all subgenus is new matter. Nor does it indicate that all subgenus are implicitly disclosed by a genus. Instead this court decision indicates that the decision of whether a subgenus is disclosed must be left to case-by-case development. Applicant also notes that the Board of Appeals has decided that the features disclosed in the claims are sufficiently described in this application so that a person of ordinary skill in the art could make and use these features. It is Applicant's position that the showing of these features in the drawings is implicit from the general description, and a person of ordinary skill in the art could inductively reach these features as shown. Therefore it is Applicant's position that in a case-by-case development, the features shown in the drawings are not new matter. Instead these features are implicitly disclosed and can be inductively reached.

The objection to the drawings also cites *Ex Parte George*, 230 U.S.P.Q. 575, 578. Applicant has reviewed this court decision, and this court decision indicates that some information was allowed to be added without being new matter, while other information was considered to be new matter. It is Applicant's position that if the reasoning of this court decision was applied to the present application, the changes to the drawings would not be considered new matter, especially in view of the Board of Appeals decision that these features

are properly disclosed in the original application.

If the Examiner has any comments or suggestions for alternate ways to depict these features without being new matter, the Examiner is invited to contact Applicant's representative to discuss how the features should be shown. It is Applicant's position that the present showing of these features is adequate in accordance with U.S. patent regulations. Applicant respectfully requests that these changes be allowed, unless the Examiner can provide an alternative showing of these features which would comply.

Applicant again thanks the Examiner for entering in the Amendment of February 3, 2005. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

By: 

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Enclosed: (3) Replacement Sheets of Drawings

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